



CLEVELAND HEIGHTS

Council Committee of the Whole

February 20, 2024

6:00 PM

City Hall – Executive Conference Room

Agenda

- 1) Call to Order/Roll Call**
- 2) Western Reserve Land Conservancy Presentation (30 min)**
- 3) CDBG Recommendations (15 min)**
- 4) Council Rules and Legislative Process (20 min)**
 - a. Council Rules - Draft
 - b. Legislative Process - Draft
- 5) Legislative Review/Caucus (15 min)**
- 6) Mayor's Update (5 min)**
 - a. ARPA
 - b. Security - Lighting & Cameras
- 7) Other**
- 8) Adjourn**

Council Rules of Conduct (Draft)

Cleveland Heights City Council

Professional conduct:

Members shall conduct themselves in a professional and respectful manner, during council meetings and related activities. Personal attacks, offense language or disruptive behavior will not be tolerated.

Penalty: May result in a verbal warning for the first defense.

Repeated offenses: May lead to Written warning issued by the council president or formal censure, suspension, or removal from committee assignments.

Conflict of Interest: Members must disclose any potential conflict of interest and recuse themselves from discussion and votes when they may have a personal or financial interest.

Penalty: Failure to disclose conflicts may result in a written warning,

Repeated Violations: May lead to an ethics investigation and potential censure or removal from office.

Respect For Public Input: Members shall listen attentively to public comments and respect the right of citizens to express their opinion. Council members shall refrain from interrupting or showing disrespect to members of the public.

Penalty: Violations may result in a written warning.

Repeated Offenses: May lead to temporary suspension from council meeting or censure.

Compliance With Legislative Processes: Members shall adhere to established legislative processes, including voting procedures and parliamentary rules.

Penalty: Violation may result in a written warning for the first offense.

Repeated Offense: May lead to temporary suspension from council duties.

Ethical Standards: Council members are expected to uphold high ethical standards and avoid behavior that brings disrepute to the council or the city.

Penalty: Violations may result in censure, suspension, or removal from office, depending on the severity of the misconduct.

Respect And Civility: All members of the Cleveland Heights City Council are expected to conduct themselves with utmost respect and civility towards fellow council member staff and members of the public.

Penalty: May result in a verbal warning for the first defense.

Repeated Offenses: May lead to Written warning Issued by the council president or formal censure, suspension, or removal from committee assignments.

Communication and Accessibility: Council member shall maintain open Lines of communication with constituents and. be accessible to the public, regular. Communication updates on council activities and decisions shall be provided through official channels.

Responsible Use of Resources: Council members shall use city resources responsibly and effectively. Any use of public funds for personal gain or benefit is strictly prohibited.

Collaboration And Teamwork: Council members are expected to work collaboratively with fellow council members, city staff and community stakeholders to encourage a environment of teamwork and mutual respect.

Continued Professional Development: Council members shall stay informed about relevant issues and participate in ongoing professional development opportunities continually strive to enhance their knowledge and skills for effective governance.

Adhere To Council Procedures: Council members must adhere to established meeting procedures and guidelines. Disruption of council procedures or failure to follow established protocol may result in appropriate actions.

These rules are designed to ensure the effectiveness and functioning of the Cleveland Heights City Council and to maintain the public trust in their elected representatives. Penalties may vary based on the nature and severity of the violation with progressive measures for repeated offenses.

Other penalties that can be applied:

Penalties for violation:

Verbal warning: A council member may receive a verbal warning for a first-time minor violation of the rules.

Written warnings: Persistent or more serious violations may result in a written warning issued by the Council president. or does it need authority.

Censure: In case of continuant non-compliance or serious breaches of conduct, the council may vote to censure a member formally expressing disapproval.

Loss of Privileges: Council members who constantly violate rules may temporarily lose certain privileges, such as Committee appointments, the right to propose, monitor or speak during meetings.

Expulsion: Repeated violations of council rules can lead to expulsion by a 2/3 vote of council.

Penalty: Investigation and removal. Allegations of serious misconduct may be referred to the Ethics Committee for investigation, removal from council may be considered based on the committee's finding.

Council Rules of Conduct (Larson – Draft - Edits)

Cleveland Heights City Council

Professional conduct:

Members shall conduct themselves in a professional and respectful manner, during council meetings and related activities. Personal attacks, offense language or disruptive behavior, like whispering amongst themselves will not be tolerated.

Penalty: May result in a verbal warning for the first defense.

Repeated offenses: May lead to Written warning issued by the council president or formal censure, suspension, or removal from committee assignments.

Respect And Civility:

All members of the Cleveland Heights City Council are expected to conduct themselves with utmost respect and civility towards fellow council members, staff, and members of the public.

Penalty: May result in a verbal warning for the first defense.

Repeated Offenses: May lead to written warning issued by the council president or formal censure, suspension, or removal from committee assignments.

I believe "Respect and Civility" section should follow the Professional Conduct section.

Conflict of Interest:

Members must disclose any potential conflict of interest and recuse themselves from discussion and votes when they may have a personal or financial interest.

Penalty: Failure to disclose conflicts may result in a written warning,

Repeated Violations: May lead to an ethics investigation and potential censure or removal from office.

Does Council have the authority to remove an elected official from office? See final page.

Respect For Public Input:

Members shall listen attentively to public comments and respect the right of citizens to express their opinion and not whisper amongst themselves while others are speaking. Council members shall refrain from interrupting or showing disrespect to members of the public.

Penalty: Violations may result in a written warning.

Repeated Offenses: May lead to temporary suspension from council meeting or censure.

Compliance With Legislative Processes:

Members shall adhere to established legislative processes, including voting procedures and parliamentary rules.

Penalty: Violation may result in a written warning for the first offense.

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Adhere To Council Procedures:

Council members must adhere to established meeting procedures and guidelines. Disruption of council procedures or failure to follow established protocol may result in appropriate actions.

This section seems to be related to “Compliance with Legislative Processes” so I am recommending it be placed in this spot.

Ethical Standards:

Council members are expected to uphold high ethical standards and avoid behavior that brings disrepute to the council or the city **during Council meetings and on social media.**

Penalty: Violations may result in censure, suspension, or removal from office, depending on the severity of the misconduct.

Communication and Accessibility:

Council members shall maintain open lines of communication with constituents and **be accessible to the public, regular.** Communication updates on council activities and decisions shall be provided through official channels.

Please edit the first sentence to clarify what is meant by “public, regular”.

Responsible Use of Resources:

Council members shall use city resources responsibly and effectively. Any use of public funds for personal gain or benefit is strictly prohibited.

Collaboration And Teamwork:

Council members are expected to work collaboratively with fellow council members, city staff and community stakeholders to encourage an environment of teamwork and mutual respect.

Continued Professional Development:

Council members shall stay informed about relevant issues and participate in ongoing professional development opportunities continually strive to enhance their knowledge and skills for effective governance.

These rules are designed to ensure the effectiveness and functioning of the Cleveland Heights City Council and to maintain the public trust in their elected representatives. Penalties may vary based on the nature and severity of the violation with progressive measures for repeated offenses.

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Written warnings: Persistent or more serious violations may result in a written warning issued by the Council president. or does it need authority.

Censure: In case of continuant non-compliance or serious breaches of conduct, the council may vote to censure a member formally expressing disapproval.

Loss of Privileges: Council members who constantly violate rules may temporarily lose certain privileges, such as Committee appointments, the right to propose, monitor or speak during meetings.

I have received one call where the citizen asked “how can Council remove an elected official from office”. Would it be a good idea to include this backup from the City Ordinances to confirm that yes, we can remove a member from office?

1. SECTION 3. REMOVAL.

Cleveland Heights, OH Codified Ordinances of Cleveland Heights, OH

...REMOVAL. The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude while in office, or violation of its charter, or persistent failure to abide by the rules of the Council; provided, however, that such expulsion shall not take place without the concurrence of five members nor until the accused member shall have been given a written copy of the

charges against him and an opportunity to be heard, with not less than ten days' notice of the time and place of hearing.

Expulsion: Repeated violations of council rules can lead to expulsion by a 2/3 vote of council.

Penalty: Investigation and removal. Allegations of serious misconduct may be referred to the Ethics Committee for investigation, removal from council may be considered based on the committee's finding.

Finally, I have a citizen ask "Who is the arbiter?"

Legislative Process Proposal (Draft)

1. COMMITTEE MEETING SCHEDULE: All Council committees shall have standing meeting time slots in place for every first and third Monday (e.g., 9–10am, 10–11am, 11am–12pm, 12–1pm, 1–2pm, 2–3pm, with the Finance Committee holding its slot at 5:30pm, directly preceding the Committee of the Whole
2. LEGISLATION ORIGINATED BY THE ADMINISTRATION. All administrative legislation shall default to being assigned to its designated Council committee. Please note that legislation from the Administration, if a recurring, standard ordinance or resolution, does not need to be designated to a Council committee.
(Question: what if the legislation is for a contract or purchase, IE Resolution 001-2024 that the Mayor wants approved at 1st reading?)
3. LEGISLATION ORIGINATED WITHIN COUNCIL. All proposed legislation originating within Council shall be considered and developed within a Council committee unless designated otherwise by a majority vote of four (4) Council members. Proposed legislation shall enter the Council committee process through one of the following pathways:
 - a. FROM WITHIN COMMITTEE. Every committee chair shall maintain a “Legislation Ideas” agenda item on each committee meeting agenda. During this time, members of that committee can briefly present legislative ideas or drafted legislation for the committee to develop. If at least two (2) members of the committee determine that a legislative idea or drafted legislation is worth pursuing, the committee chair shall allot no fewer than five (5) minutes at a future committee meeting for an introductory discussion of the proposed legislative idea or drafted legislation. It is the responsibility of the introducing member(s) to provide for that introductory discussion:
 - i. A concise synopsis and purpose of the proposed legislative idea
 - ii. An overview of what our current codified ordinances or programming says or does on this issue, if applicable
 - iii. Any research or data supporting the need and/or positive impacts that this legislation would potentially have on our city
 - iv. If available, sample similar legislation and/or program descriptions from other municipalities and information about their impact
 - v. If available, a preliminary draft or outline of a draft of proposed legislation

After the introductory discussion, the committee will vote whether to add the proposed legislative idea to its pipeline of legislation in progress. The committee chair shall inform the Clerk of Council of the addition to the legislative pipeline, and the Clerk of Council shall begin tracking its progression. If the committee votes to move the legislative idea or draft legislation forward, it will progress according to the Committee Procedures, as outlined in Item 4 below.

- b. FROM OUTSIDE COMMITTEE. If a Council member has a legislative idea or draft legislation that is appropriate for a committee that the Council member does not serve on, the Council member may propose the idea within a committee on which they do serve. It is preferred that these be provided to committee members in written form prior to the meeting so committee members have time to review the materials before the introductory discussion.
4. COMMITTEE PROCEDURES. Once proposed legislation is in the legislative pipeline, all committees shall adhere to the following procedures when considering and developing legislation. No legislation shall be read in City Council meetings while it is still in committee. Not all steps as outlined below are required, and some steps may be omitted if a majority of the committee agrees to do so.

a. RESEARCH AND DISCUSSION.

- b. FOR ADMINISTRATION-ORIGINATED LEGISLATION, requests for staff at meetings shall be submitted in writing (e.g., email) at least three (3) calendar days prior to the scheduled committee meeting, and a response notifying the committee of whether the staff member(s) can attend said meeting shall be provided within 24 hours of the request. This request shall cite the specific administration-originated legislation being reviewed.

FOR COUNCIL-ORIGINATED LEGISLATION, requests for staff at meetings shall be submitted in writing (e.g., email) at least seven (7) calendar days prior to the scheduled committee meeting, and a response notifying the committee of whether the staff member(s) can attend said meeting shall be provided within three (3) business days after the request is submitted.

- c. DRAFTING LEGISLATION (FOR COUNCIL-ORIGINATED LEGISLATION ONLY). When the committee determines by at least a two-member vote that the preliminary draft or an outline of desired draft legislation is ready

to move forward, the committee chair or their designee shall submit it to the Law Department for review and/or drafting. Upon submission of request for review and/or drafting of legislation, the Law Department shall respond within three (3) business days to provide a date for projected completion of the draft legislation. The Clerk of Council shall be responsible for tracking the progress of legislation.

- d. **REVIEWING DRAFTED LEGISLATION (FOR COUNCIL-ORIGINATED LEGISLATION ONLY).** Upon receiving the draft legislation from the Law Department, the committee shall review it, making any revisions it determines are appropriate. The committee chair or their designee shall submit any proposed revisions to the Law Department for review. Upon submission of request for review, the Law Department shall respond within three (3) business days to provide a date for projected completion of the revised draft legislation.
- e. **PUBLIC HEARING.** The committee may call a public hearing to solicit public input on the proposed draft legislation. The committee chair or the Clerk of Council should liaise with the Communications Department to publicize the public hearing in City communications channels.
- f. **DISCUSSION OF PUBLIC HEARING.** If the committee holds a public hearing, it shall review the public comments in the following committee meeting or a special committee meeting to discuss whether the committee wishes to make any revisions in response to the public comments. The committee chair may request the Law Director or their designee to attend the meeting to advise on proposed revisions. If revisions are requested, the committee chair or their designee shall submit any proposed revisions to the Law Department for drafting and/or review. Upon submission of request for drafting and/or review, the Law Department shall respond within three (3) business days to provide a date for projected completion of the revised draft legislation.
- g. **REVIEWING REVISED LEGISLATION.** Upon completion of any requested revisions, the legislation will be reviewed again by the committee.
- h. **MOVING LEGISLATION OUT OF COMMITTEE TO COMMITTEE OF THE WHOLE.** When the committee is ready to move the proposed legislation out of committee to the Committee of the Whole, there must be a motion and a second, and at least two (2) members must vote aye. The committee chair shall include in their report at the following Committee of

the Whole meeting a request for the legislation to be added to a future Committee of the Whole meeting for discussion. All Committee of the Whole meeting agendas will include reports from committee chairs to hear all committee recommendations and requests.

- i. **ASSIGNING PROPOSED LEGISLATION TO COMMITTEE OF THE WHOLE.** The Council President and Clerk of Council shall then schedule the discussion of the legislation at an upcoming Committee of the Whole. The first reading for the legislation will also be scheduled at the City Council meeting directly following its first Committee of the Whole discussion. No legislation shall be read in City Council meetings while it is still in committee. Until Council is ready to vote on the legislation, it will continue to be read in City Council meetings unless a majority of the Council request that it be returned to committee for further revisions.
- j. **DISCUSSION OF PROPOSED LEGISLATION TO COMMITTEE OF THE WHOLE.** The legislation shall then be discussed in the Committee of the Whole. The original committee chair or their designee is responsible for preparing a presentation and/or statement in support of the legislation. The statement may be verbal or in writing.
- k. **CONSIDERATION OF PASSAGE.** No legislation shall be moved for a vote in a City Council meeting until:
 - 5. The legislation has been given at least two (2) readings in City Council meetings, or at least four (4) Council members agree to move the legislation for consideration of passage on first reading; and
 - 6. At least four (4) Council members are satisfied that they have sufficient information to cast their vote responsibly. Any Council members who state they do not have sufficient information are responsible for asking reasonable and specific questions to solicit the information needed. If a Council member states they do not have sufficient information but do not provide clarity on what specific and reasonable information they need, then the Council President may treat their vote on whether to move the legislation for consideration of passage as an abstention.
 - 7. Any amendment of proposed legislation that is presented at this point must be in writing and submitted to the Council President and the Law Director with a cc :Council Clerk.

Legislative Process Proposal (Cuda - Draft)

PURPOSE: To create an agreed upon, orderly, equitable and transparent process for council and administrative-initiated legislation that makes passage both timely, and more likely to be successful.

SUMMARY - LEGISLATION INITIATED BY THE ADMINISTRATION

1. Legislation is introduced by the administration and put on the agenda by the council president.
2. All first readings are discussed in committee of the whole.
3. Council president assigns legislation to committee if further discussion is necessary.
4. Throughout the process, all questions are answered promptly and thoroughly by the administration.
5. A vote takes place after a majority of council determines the number of readings necessary for passage.

SUMMARY - LEGISLATION INITIATED BY COUNCIL

1. Ideas or drafted legislation are discussed in committee (either the author's committee, or the appropriate committee with the permission of the chair, or COTW).
2. If there is at least one other member of the committee supporting the idea or legislation, further research and development is done by the author and any co-sponsors if applicable. This shall be done by motion, in the committee.
3. Once the idea or drafted legislation has been approved by a majority of the committee, it shall be brought to COTW for discussion. If 3 members support the proposed idea or legislation, and there is at least one other member who is not opposed, the author will submit it to the law department for drafting.
4. The law department and the author meet to discuss the drafting of the proposed legislation.
5. When the author is satisfied, the legislation is put on the agenda by the council president and introduced in *COTW for passage.

* If the author's idea for legislation was not drafted at the time it was first introduced to the appropriate committee, it should be reintroduced to the committee after it was drafted for approval.

** At any time during the process, the author may consult with the appropriate Director or the Mayor regarding the idea or legislation.

*** At no time should any legislation under discussion be co-opted in any way by another council member or the administration.

From: [Gail Larson](#)
Sent: Saturday, February 10, 2024 8:37 AM
To: [Tony Cuda](#); [Addie Balester](#)
Subject: Legislation Process Recommendation

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good morning, Tony and Addie,
Here are my ideas for amending the Legislative Process document we received at the February 5 CCOTW.

Summary - Legislation initiated by Council.

--Item 2: "It is highly recommended that the Council member with the idea for the legislation agree to co-sponsor the potential legislation with the appropriate Committee Chair and that the legislation be assigned to the appropriate committee when brought to COTW for discussion." I suggest this to enhance the spirit of collaboration among Council members.

--To the * statements at bottom please add, "Council Clerk will track the progress of the legislation in a file that is accessible by all Council members". Could this be done in Civic Clerk?

Thank you,
Gail



Gail Larson
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LEGISLATIVE PROCESS – COBB SUGGESTIONS

1. Ideas or proposed legislation should first be discussed in committee (either the author's committee, or the appropriate committee with the permission of the chair, or COTW). Input and/or recommendations should be sought from the Administration on any legislation that affects the operations of the City.
2. If there is at least one other member of council supporting the idea or legislation, further research and development should be done by the author and the matter discussed in COTW before proceeding further. President of Council may refer any matter back to the appropriate committee in the event that additional research or information is needed to draft the legislation.
3. Notwithstanding the provisions of Section 111.16 of the Codified Ordinances concerning the ability of any member of Council to request legislation, the Director of Law shall draft the form of any proposed legislation requested by a member of Council, or review legislation not prepared by the author for approval as to form, provided there is no objection by a majority of Council members to the proposed legislation,
4. The law department and the author shall meet as necessary to discuss the drafting of the proposed legislation. No legislation shall be presented to Council for further consideration until approved as to form and legality by the law department.
5. At no time should any legislation under discussion be co-opted in any way by another council member.